



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,645	11/06/2000	Dimitri Kanevsky	13808(YOR920000454US1)	8227

7590 11/20/2002
Richard L Catania Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/706,645	Applicant(s) KANEVSKY ET AL.	
	Examiner Jonathan Ouellette	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
3. Claims 1-2, 4-8, 10-14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bottan et al. (US 2002/0042846 A1).
4. As per independent Claims 1, 7, and 13, Bottan discloses a method (system, program storage device) of providing help to people with disabilities, comprising the steps: (a) organizing a network of people with disabilities (participating subscriber) and of volunteers (service provider) for helping people with disabilities, each of the persons with disabilities and each of the volunteers having a portable, wireless communications device; (b) establishing a database having information about the people with disabilities and about the volunteers; (c) at least one of the persons with disabilities, using one of the

wireless communications devices to transmit a request for help; and (d) at least one of the volunteers receiving the request for help via one of the wireless communications devices (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).

5. As per Claims 2, 8, and 14, Bottan discloses wherein step (c) includes the step of one of the persons with disabilities using one of the wireless communications devices to transmit a request for help to the network; further comprising the step of the network searching the information in the database to match one of the volunteers with said request; and step (d) includes the step of the network identifying said one of the persona with disabilities to said one of the volunteers via one of the wireless communications devices (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).
6. As per Claims 4, 10, and 16, Bottan discloses using a global positioning system to identify the location of said one of the persons with disabilities, and to identify one or more of the volunteers in the vicinity of said one of the persons with disabilities (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).
7. As per Claims 5, 11, and 17, Bottan discloses wherein the step of establishing a database includes the steps of i) establishing a first database having information about the persons with disabilities, and ii) establishing a second database having information about the volunteers; and the searching step includes the step of the network searching the first and second databases to select and match volunteers and people with disabilities (Abstract,

Art Unit: 3629

Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111,
Para 0141-0145, Figs.1-4).

8. As per Claims 6, 12, and 18, Bottan discloses wherein the searching step includes the step of: using a matching server to search the people with disabilities and the volunteers to find a list of candidate volunteers and methods of help; sending a request to each of the candidate volunteers; interacting with the candidate volunteers to find a final choice volunteer; and sending a final request to the final choice volunteer (Abstract, Para 0003-0006, Para 0008-0014, Para 0020-0026, Para 0100-0103, Para 0107-0111, Para 0141-0145, Figs.1-4).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103 as being unpatentable over Bottan.
11. As per Claim 3, 9, and 15, Bottan does not expressly show the volunteers providing at least one service selected from the group comprising: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities.

12. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of providing help to people with disabilities would be performed regardless of the type of service/help provided. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the person with a disability a service comprising one of the following: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the service does not patentably distinguish the claimed invention.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
15. The following foreign patent is cited to show the best foreign prior art found by the examiner:

PCT No. WO 200201405 A1 to Hancock

Hancock discloses a computer implemented system for matching people which builds on computer dating techniques to find individuals (using GPS)

Art Unit: 3629

matching certain criteria including location, experience, ability, business requirements and so on.

16. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Rubec, Peter, "New Technologies for Emergency Response." Geo Info Systems, Nov. 1998.

Rubec discloses the use of a GPS system for emergency response.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

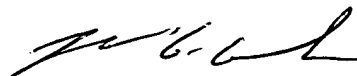
Application/Control Number: 09/706,645

Page 7

Art Unit: 3629

jo

November 6, 2002



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600